

THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 13th November, 2006

W.P.No.1591 of 2004

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Between:

G. Srinivas

... Petitioner

and

The Station House Officer,
P.S. Jammikunta, Karimnagar
District & others

... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.1591 of 2004

ORAL ORDER:

Heard both sides.

It appears that the 1st respondent-Station House Officer informed the 2nd respondent-Mandal Revenue Officer on 8-1-2004 as to transporting of 103 quintals of rice (206 bags, each carrying 50 kgs) in the lorry bearing Registration No.AEK 1166, which is meant for 'Food For Work' programme and being unloaded at Desu Venkataiah Rice Mill. Respondent No.2 rushed to the spot and found the lorry and the stocks therein and seized the same by conducting a Panchanama. It seems, this 103 quintals of rice was handed over at MLS Point, Jammikunta and obtained a receipt to that effect. Thereafter, no proceedings of any kind have been initiated against the petitioner. Therefore, he filed the present Writ Petition questioning the very seizure of the goods.

According to the petitioner, the respondents have no power whatsoever under the law to seize the rice held by him and being transported in the said lorry.

Respondents 1 and 2 filed separate counter affidavits denying the allegations made by the petitioner. Respondent No.1 has stated that the stocks have been handed over at MLS Point, Jammikunta, whereas the 2nd respondent-Mandal Revenue Officer has stated that they have already been released in favour of the petitioner. In view of

this, learned Government Pleader was requested to find out the factual position and place the records in this regard. On verification of the records, learned Government Pleader states that these 103 quintals of rice in 206 bags was handed over at MLS Point, Jammikunta on 5-2-2004.

There is no necessity of going into all the details. The rice, as such, has been taken out of the purview of the Essential Commodities Act by way of amendment to the provisions of the Act with effect from 15-2-2002 and further notified by the Government of Andhra Pradesh on 27-3-2002. It seems, under an apprehension that the rice belongs to Food For Work Scheme, the lorry has been intercepted and the rice has been seized; but, thereafter, no action has been taken by the respondents. This itself would show that the rice seized does not belong to Food for Work scheme or any other Governmental scheme. Even if the rice belongs to Food For Work, the only course left for the respondents is to initiate criminal proceedings and take appropriate action as available under the law and they could not have seized the rice under the Control Orders. Therefore, the action of the respondents in seizing the rice and the lorry under a Panchanama dated 9-1-2004 is arbitrary and illegal. It is further stated that except these 103 quintals of rice, the lorry as well as other goods have already been released by the respondents themselves. In view of the fact that the very seizure is illegal, the respondents are directed to release 103 quintals of rice, which was placed at MLS point at Jammikunta forthwith to the petitioner.

Accordingly, the Writ Petition is allowed. No order as to costs.

13-11-2006

prk